

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

102.

OA 963/2024

Hav (CLK SD) Sunil Kumar
Applicant

.....

Versus

Union of India & Ors.

..... Respondents

For Applicant : Mr. Manoj Kr Gupta & Kritendra Tiwari,
Advocate

For Respondents : Mr. S S Sinha, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

O R D E R
04.09.2024

Seeking pre-mature discharge from service, applicant has invoked the jurisdiction of this Tribunal. On notice being issued, respondents have filed a detailed counter affidavit and in Paras 8 and 9 of the counter affidavits, the respondents have made the following averments:-

“8. That the situation has further deteriorated to no intake of clerks during COVID Pandemic and regular retirement of clerks on completion of their terms of engagement.

However, a seniority of premature applications has been maintained since last three years and a total 19 applications have been received till date. The applicant is waitlisted at ser. No. 19. The premature retirement of clerks has been

restricted by competent authority since COVID Pandemic as the Regiment is facing acute shortage of clerks and poor/nil intake.

9. However, after reporting of the applicant to the unit and on receipt of fresh application for premature retirement, the same shall be processed for disposal of competent authority as per Hon'ble Court order.

Individual may be advised to report to his unit and forward his request along with supporting documents. The applicant case will be examined and considered based on merit by the competent authority, if found genuine."

Subsequently, it is seen from the records particularly the rejoinder filed by the applicant that his case for premature retirement with documents have been submitted vide Annexure A-10 of 07.07.2024 to the concerned Record Office along with recommendations of the District Sainik and Ardh Sainik Welfare Office and the observations and recommendations of the Company Commander and CO of the unit concerned till August 2024.

Now the respondents are required to take a final decision in the matter and the learned counsel for the respondents submits that the respondents shall consider the same and take a decision in accordance with the policies and

the rules applicable. We direct the respondents to consider the case of the applicant for premature retirement as has been brought out on record, take a final decision and communicate it to the applicant and submit a report to this Tribunal within four weeks.

List the matter on 22.10.2024 as part~heard.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)

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